

OGC 72-0775

6 June 1972

MEMORANDUM FOR THE RECORD

SUBJECT: U. S. v. IBM (69 Civ. 200 S.D. N.Y.)

1. As a result of the pretrial hearing held May 10, 1972, IBM has begun to inspect the documents accumulated by the Government in response to Pretrial Order No. 2. A protective order has been issued which will control access to documents containing classified and proprietary information. However, since the Court has not formally ruled on the DCI's claim of privilege, only Agency unclassified and proprietary documentation is to be inspected at this time.

STATINTL

STATINTL

2. [ ] has been advised of the foregoing developments. I have, in keeping with his suggestion, asked [ ] (Log/Security) to make appropriate facilities available in the Ames Building for the IBM inspection party. According to Justice, there will be five or six in the party, which will be accompanied by a Justice staffer. It seems that IBM's method of inspection is the indiscriminate copying of all available documents using their own portable equipment.

3. I have alerted the Directorate Information Processing Coordinators that an inspection is to be made of Agency documentation concerned with unclassified and proprietary information. They have been asked to marshal their materials in anticipation of making them available at Ames. They have also been asked to keep their proprietary documents separate, since access to them will be controlled by the protective order. Based on directorate reports, we will have a total quantity of approximately five linear feet of material.

4. I have advised Ray Carlson, the principal Justice attorney, of the approximate quantity of our material. I have also asked that we be advised 48 hours in advance of the inspection date. In addition, Carlson is to provide us with the names of persons making up the inspection party.



Assistant General Counsel

STATINTL

OGC:RJB:bg

Distribution:

- 1 Orig - Subject - LITIGATION, CIVIL
- 1 - RJB Signer
- 1 - Chrono